

RESOLUTION NO. CZAB15-23-04

WHEREAS, SUMMERVILLE DEVELOPMENT, INC. applied for the following:

- (1) AU to BU-1
- (2) To permit a residential and commercial development setback 20' (25' required) from the front (west) property line, setback 12' from the rear (east) property line and setback 15' from the side street (south) property (25' required from all property lines).
- (3) To waive the 5' high decorative masonry wall required along the east property line for the business lot where it abuts a residential district.
- (4) To permit the residential/commercial development with a residential floor area covering 73% (50% maximum permitted).
- (5) To permit 3 stories (2 stories permitted)

REQUESTS #1 - #5 ON EXHIBIT "A"

- (6) AU to RU-3M
- (7) To permit the RU-3M lot with a frontage of 81' (100' required).
- (8) UNUSUAL USE to permit parking in a zone more restrictive (RU-3M) than the use it serves is located (BU-1).

REQUESTS #6 - #8 ON EXHIBIT "B"

- (9) UNUSUAL USE to permit a gated entrance feature.

REQUEST #9 ON EXHIBITS "A" & "B"

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 through #5 may be considered under §33-311(A)(16) (Alternative Site Development Option for the BU Zoning District) and request #7 may be considered under §33-311(A)(15) (Alternative Site Development Option for Multiple Family Use) or requests #2 through #5 and 7 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Summerville Town Center," as prepared by Corwil Architects, Inc., dated 5/4/04 and consisting of 6 sheets.

SUBJECT PROPERTY: OVERALL PROPERTY: Commence at the Southeast corner of Section 24, Township 56 South, Range 39 East; thence N1° 4'14"E, for 65.03'; thence N89° 03'18"W, for 40' to the Point of beginning; thence N1° 4'14"E, for 266.39'; thence N89° 01'53"W, for 790.84'; thence S01° 11'31"W, for 266.36'; thence S89° 03'18"E, for

790.27' to the Point of beginning. EXHIBIT "A": The south $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 19, Township 56 South, Range 40 East, less the south 65' and less the west 40' thereof, AND: The west 86' of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 19, Township 56 South, Range 40 East, less the south 65' thereof for road. EXHIBIT "B": Commence at the Southeast corner of Section 24, Township 56 South, Range 39 East; thence N1° 4'14"E, for 65.03'; thence N89° 03'18"W, for 40' to the Point of beginning; thence N1° 4'14"E, for 266.39'; thence N89° 01'53"W, for 790.84'; thence S01° 11'31"W, for 266.36'; thence S89° 03'18"E, for 790.27' to the Point of beginning. LESS AND EXCEPT: The south $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 19, Township 56 South, Range 40 East, less the south 65' and less the west 40' thereof, AND: The west 86' of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 19, Township 56 South, Range 40 East, less the south 65' thereof for road.

LOCATION: 24751 S.W. 117 Avenue, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 15 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant requested permission to withdraw the requests to permit the residential/commercial development with a residential floor area covering 73% (Item #4), to permit 3 stories (Item #5), to permit the RU-3M lot with a frontage of 81' (Item #7), and the unusual uses (Items #8 & 9), and at which time the applicant proffered a Declaration of Restrictions which among other things provided:

- (1) That said Property shall be developed substantially in accordance with the plans previously submitted, prepared by Corwil Architects, Inc., entitled "Summerville Town Center," dated the 30th day of August 2004, said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of the agreement.
- (2) The total residential density of the Property shall be limited to no more than thirty-three (33) residential units.
- 3) That portion of the Property which is rezoned to RU-1, described in Exhibit "B," shall be used solely for a recreational park, and shall not be developed with residential units. Said recreational park shall be maintained by either a duly-created property owners' association or duly-created condominium association; or, upon the approval and with the consent of the County, said recreational park may be maintained by a special taxing district.

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, upon due and proper consideration having been given to the matter it is the opinion of this Board that the requested district boundary changes to BU-1 on Exhibit "A" (Item #1) and to RU-1 in lieu of the requested district boundary change to RU-3M on Exhibit "B" (Item #6) would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be approved, and that the request on a modified basis to permit a residential and commercial development setback 15' from the side street (south) property line on Exhibit "A" (Item #2), and to waive the 5' high decorative masonry wall along the east property line for the business lot where it abuts a residential district on Exhibit "A" (Item #3) would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance, and that the withdrawal of the request to permit the residential/commercial development with a residential floor area covering 73% (Item #4), 3 stories (Item #5), the RU-3M lot with a frontage of 81' (Item #7), and the unusual uses (Items #8 & 9), should be granted, and that the proffered Declaration of Restrictions should be accepted, and

WHEREAS, a motion to accept the proffered Declaration of Restrictions, to approve district boundary changes to BU-1 on Exhibit "A" (Item #1) and to RU-1 in lieu of the requested district boundary change to RU-3M on Exhibit "B" (Item #6), to approve Items #2 on a modified basis, and #3 as non-use variances, and to grant the withdrawal of Items #4, 5, 7, 8 & 9 was offered by Paul S. Vrooman, seconded by Alfonsina Sergio, and upon a poll of the members present the vote was as follows:

Daniel L. Adams
Al Alvarez
Leonard Anthony

nay
aye
aye

JoAnn Bova
Alfonsina Sergio
Paul S. Vrooman

absent
aye
aye

Nancy McCue

aye

NOW THEREFORE BE IT RESOLVED, by the Miami-Dade County Community Zoning Appeals Board 15, that the requested district boundary changes to BU-1 on Exhibit "A" (Item #1) and RU-1 in lieu of the requested RU-3M on Exhibit "B" (Item #6) be and the same are hereby approved and said property is hereby zoned accordingly.

BE IT FURTHER RESOLVED, that the request as modified to permit a residential and commercial development setback 15' from the side street (south) property on Exhibit "A" (Item #2), and to waive the 5' high decorative masonry wall required along the east property line for the business lot where it abuts a residential district on Exhibit "A" (Item #3) be and the same are hereby approved as non-use variances, subject to the following conditions:

1. That a site plan be submitted to and meet with the approval of the Director upon the submittal of an application for a building permit; said plan to include among other things but not be limited thereto, location of structure or structures, types, sizes and location of signs, light standards, off-street parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Summerville Town Center," as prepared by Corwil Architects, Inc., dated August 30, 2004 and consisting of 6 sheets.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant submit to the Department for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use.
5. That a recordable agreement be submitted to and meet with the approval of the Director providing for permanent and safe access for pedestrian and vehicular traffic within the development and particularly for right of access for fire, police, health,

and sanitation and other public service personnel and vehicles. The agreement, which shall be a covenant running with the land, shall also include a stipulation that the streets, or access ways, shall be installed and maintained by the applicant, including, but not limited to, sidewalks, drainage facilities, water, sewers and fire hydrants, meeting with the approval of the Director and the Director of the Public Works Department. Such agreement shall be executed by the property owner and any and all parties having an interest in the land, such as mortgagees, etc., and its improvements.

6. That in the event of multiple ownership, a homeowners' association, community development district, or special taxing district be established in accordance with applicable regulations to assure that all common areas and facilities for use of all residents and the proposed park on Parcel B shall be maintained in a continuous and satisfactory manner, and without expense to the general taxpayer of Miami-Dade County. The instrument incorporating such provisions shall be approved by the County Attorney at the time of the recording of the subdivision plat.
7. That the applicant comply with all the conditions and requirements of the Public Works Department.
8. That the applicant comply with all the conditions and requirements of the Department of Environmental Resources Management (DERM).

BE IT FURTHER RESOLVED that, pursuant to Section 33-6 of the Code of Miami-Dade County, Florida, the County hereby accepts the proffered covenant and does exercise its option to enforce the proffered restrictions wherein the same are more restrictive than applicable zoning regulations.

BE IT FURTHER RESOLVED, that the request to withdraw the requests to permit the residential/commercial development with a residential floor area covering 73% (Item #4), to permit 3 stories (Item #5), to permit the RU-3M lot with a frontage of 81' (Item #7), and the unusual uses (Items #8 & 9), be and the same is hereby granted.

BE IT FURTHER RESOLVED, notice is hereby given to the applicant that the approval herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning.

PASSED AND ADOPTED this 12th day of October, 2004.

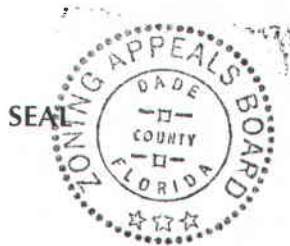
Hearing No. 03-12-CZ15-2
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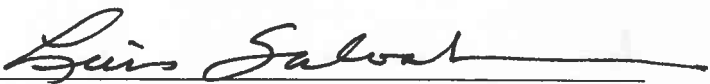
STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Luis Salvat, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 15, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB15-23-04 adopted by said Community Zoning Appeals Board at its meeting held on the 12th day of October 2004.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 20th day of October 2004.




Luis Salvat, Deputy Clerk (2678)
Miami-Dade County Department of Planning and Zoning



DEPARTMENT OF PLANNING AND ZONING

MAIN OFFICE

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HERBERT S. SAFFIR

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MIAMI, FLORIDA 33175

IMPACT FEE SECTION
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ZONING INSPECTION SECTION
(786) 315-2660 • SUITE 223

ZONING PERMIT SECTION
(786) 315-2666 • SUITE 106

ZONING PLANS PROCESSING SECTION
(786) 315-2650 • SUITE 113

SUMMERVILLE DEVELOPMENT, INC.
c/o ALAN S. KRISCHER
AKERMAN SENTERFITT, P.A.
SUN TRUST INTERNATIONAL CENTER
ONE S.E. 3RD AVENUE, 28th FLOOR
MIAMI, FLORIDA 33131-1714

Re: Hearing No. 03-12-CZ15-2 (03-262)
Location: 24751 S.W. 117 Avenue, Miami-Dade County, Florida

Dear Mr. Krischer:

Enclosed herewith is Resolution No. CZAB15-23-04, adopted by the Miami-Dade County Community Zoning Appeals Board 15, which accepted your client's Declaration of Restrictions and approved the requests for district boundary changes to BU-1 & RU-1, and granted approvals and withdrawals on the balance of your application on the above described property, as noted in said resolution. Please note the conditions under which said approval was granted, inasmuch as strict compliance therewith will be required. Failure to comply with stipulated conditions, if any, will result in the immediate issuance of a civil violation notice for each condition violated. Each notice issued may require payment of a daily fine.

If, as stipulated in the resolution, building permits and/or use, occupancy or completion certificates will be required, note that permits must be obtained and final inspection approvals received for construction work done or required prior to issuance of the applicable certificate(s) pursuant to Section 33-8 of the Zoning Code. Payment of certificates may be subject to annual renewal by this Department. Application for required permits and/or certificates related to use, occupancy or completion should be made with this Department, or the Building Department as appropriate. At time of permit application you must provide a copy of this resolution. If there are anticipated changes from any plan submitted for the hearing, a plot use plan is to be submitted to this Department in triplicate before any detailed plans are prepared, inasmuch as building permits will not be issued prior to the approval of said plan.

Sincerely,

Lou Salvat
Deputy Clerk

Enclosure